

## THE DEVELOPMENT OF THE US FEDERAL SYSTEM

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### ABSTRACT

Geographical, economic, historical, environmental and security factors play a role in strengthening the drive towards union, as well as addressing the need to express regional and federal identity. This is a clear example of this tendency. One legal or one political system with the parts of this united personality retaining their privacy and identity, and there is a delegation to the central entity of the union with some of the common powers while retaining some powers for these parts or states, which means the availability of autonomy for the constituent states of the union and this is the most important characteristic of the federal states or federations. It is the autonomy of each state or country participating in the union.

Accordingly, the United States of America was not established as a unified state, but as a federation of 13 colonies, each of which demanded independence from the British crown. States to search for the most appropriate forms of federalism, so the period of the American treaty was divided into two phases, the first from (1781 to 1783) the date of the signing of the Paris Peace Agreement, and the second phase ending with the establishment of the central state from (1783 to 1789) on the basis of the constitution established by the Philadelphia Conference .

**Key words:** Federal System, Philadelphia Conference, Declaration of Independence, American Treaty Stage)

### I. INTRODUCTION

Geographical, economic, historical, environmental and security factors play a role towards strengthening the drive towards union, as well as addressing the necessity of expressing regional identity.

Federalism is a clear example of this tendency. It is an optional union between states, states, or nations that are often distinguished nationally, ethnically, or culturally until they turn into one legal personality or one political system, with the parts of this united personality retaining its privacy and identity, and there is a delegation to the central entity of the union with some of the powers Common while retaining some powers for these parts or states.

This means the availability of autonomy for the constituent states of the federation. Therefore, the most important characteristic of the federated states or federations is the autonomy of each state or state participating in the union.

The federal state can be established in one of two ways: the first: the disintegration of a simple united state into several units with independent constitutional entities, then based on the federal constitution, these states are united again on another basis, which is the federal state, and the second method: is through the accession of several states Or independent states, each of which relinquishes some of its internal powers, and its external sovereignty, and then unites again to be the federal state on the basis of the federal constitution. We will find that the constitution tends to strengthen the jurisdiction of the states at the expense of the central authority.

The United States of America adopted the federal system as an alternative to the unified government system known to the American society at the beginning of its inception.

The Congress shall have the power to approve the admission of new states and to guarantee to each state a republic, to protect it from any foreign invasion, and to make the constitution that guarantees this union the supreme law of the land.

**Research importance**

The importance of the federal system came as the best solution presented, through a fair and balanced distribution of powers and competencies between the levels of authorities, taking into account the peculiarities of each of them, and acknowledging their autonomy and participation in the exercise of governing authority alongside the federal state.

**The problem of searching**

Was the US federal system able to achieve the vision of the founding fathers in setting laws appropriate to the nature of the different peoples in the American states, and did it achieve political and social stability for those peoples within those states?

**Research Hypothesis**

The internal environment of the US states has imposed a federal system that is compatible with the nature and differences of societies in the US states.

**Research Methodology**

The research relied on the historical method and the analytical descriptive method by studying the historical development of the American federal system, which is one of the most important systems at the global level, because of its undeniable advantages. Federal federation.

**Study Structure**

The structure of the study was divided into three demands, an introduction and a conclusion, where the first requirement (the stage of the emergence of the American nation), through three paragraphs, is the first paragraph (the migrations that contributed to the social structure), the second paragraph is (the reasons for immigration), and the third paragraph (declaration of independence), As for the second demand (the emergence of the treaty union between the American states), it came in the first paragraph of it (the conflict with Britain), and the second paragraph (the stage of the American treaty), while the third requirement was highlighted (the developments that led to the establishment of the federal state in 1789). ), dealt with three paragraphs, it came in the first (the Philadelphia Conference 1787), the second paragraph (the most important problems that faced the two conferences), and the third paragraph we touched on (the creation of the constitution).

The research ended with a conclusion and a list of sources. We hope that we will arrive at an accurate description of the events and a professional and academic analysis, in addition to the method of presentation and delivery of information to the honorable reader, so that he has the final idea of the importance of the study, and God grant him success.

**The first requirement: the stage of the emergence of the American nation**

The United States of America was not established as a country until about 175 years after its founding as a group consisting mostly of former British colonies, at the beginning of the eighteenth century and long before the independence of America, the entire eastern coast of North America was located between the Gulf of Saint Laurent in the north And the Spanish state of Florida in the south was colonized by the English and was divided into thirteen colonies, all without exception, raising the British flag, and these colonies can be divided in terms of population structure and characteristics of society and economy into three categories

**1- North Colonies (New England):**

New Hampshire, Massachusetts, Connecticut, andRhodeland

These colonies practiced agriculture, livestock, fishing, and trade, and their rocky, winding beaches were suitable for building many harbors, and the dense forests that surrounded them from the west gave the timber needed for the manufacture of ships, and the many water courses flowing from the mountains allowed the establishment of mills, sugar refineries, and sawmills. , These great possibilities available in the land gave valuable opportunities for the new population known for their sanctification of work and their quest for success.

It was in these colonies that the first American universities appeared (Harvard in 1636), and they aimed for religious purposes, namely, the graduation of priests, while in their political lives they practiced democracy and managed their affairs themselves

## 2- Southern Colonies:

Maryland, Virginia, South Carolina, and Georgia

In these colonies a society of another kind began to appear. Although the area of the territories of these colonies is larger than the area of the northern colonies, the population density was less, as well as the number of cities and ports.

Agriculture was practiced on a large scale because of the dependence on slaves, and economic activity was all based on some crops that suit the hot and humid climate of the region: rice, tobacco and cotton. To a large extent, the level of prices in Europe. This is a weak point in the economy of the colonies. Moreover, the society in it was aristocratic in its foundations and trends. There is a class of landowners and these own the land and monopolize the right of representation in the colony as they manage its affairs, followed by the class of slaves, slaves and deprived of all rights. There was no middle class between the two groups, as is the case in the north

## 3- Middle Colonies:

Namely, New York, New Jersey, Delaware, Pennsylvania

The most prominent characteristic of these states is the heterogeneity of immigrants to them. While we see the remnants of Dutch colonists in the state of New York, we see many Swedes in the state of Delaware.

Perhaps the multiplicity of races and nationalities among the residents of these areas is what will leave the field of immigration to these countries open in the future, especially since placing these colonies in a middle point between the colonies of the north and south will make them in the future a ruler in the country's political affairs and a headquarters for federal institutions

### First: the migrations that contributed to the social structure

Most of the settlers who came to the United States in the seventeenth century were English, but there were also Dutch, Swedes, and Germans in the central region, a few French Protestants in South Carolina and elsewhere, and slaves from Africa, mostly from the south, and small numbers of Spaniards, Italians and Portuguese scattered in all over the colonies. He was (Americus Vesposi), the man who announced the discovery of a new world in the western half of the earth. If not for this man, the dreams of immigrants and the aspirations of mankind would not have become reality, and the American countries, especially the great ones like the United States of America, would not have arisen, and since then the fever of competition has risen. Colonialism between the major European countries on American soil, so the English and French fleets seized North America, and the Spanish and Portuguese took over South America. Human migrations from the European continent to the new world rushed under various contemporary political, economic and social pressures, in an unprecedented way in history, despite the seriousness of the sea voyage for the American coast.

Thus, England witnessed in the years 1629 and 1620 AD, the two largest waves of immigrants who left the old world and came to the new world in pursuit of the dream of a utopia that they wanted to build from scratch according to their new concepts, these are what all American historians agree on calling them the Founding Fathers.

The British Isles were the main source of the first human migrations to North America, as a result of the British government's control of the American coast, and the provision of the necessary facilities for the settlement of English migrations in the thirteen American colonies, extending along the eastern coast of North America at the time, and this had the greatest impact not only in the emergence of the American nation, but also in the establishment of its federal movement.

Jan Jay pointed out that the union will be successful, as it is the only way to ensure happiness in the present and in the future, and that the division generated from weakness and division in the country will tempt foreign countries to attack it, and that nothing guarantees safety from their machinations except union, strength and the establishment of a good government.

There are other migrations, such as the Swiss, Italian, Greek, Polish and other migrations of eastern, southern and central European countries, those that have contributed to some extent in the American social structure and contributed as much to the crucible of American human interaction, but the degree of influence in American society varied according to the precedence, efficiency and culture of these migrations, and it is noted In this

regard, the migrations of Arabs arrived late and insignificant to the United States, and most of them were from Lebanon and Syria in particular, and the first Jewish migration to North America dates back to 1654, from Spain fleeing religious persecution, but the English authorities stopped those migrations after that until a year 1740, due to the hostility of European public opinion to the Jews at the time .

Accordingly, it can be said that American society is a settlement society that arose through immigration and the United States is the product of the immigrant formation and the mixture of many peoples and different races, so the United States of America as described by (John Kennedy): A hybrid people in which all European races met: Anglo-Saxons, Germans, French, Dutch and Swedish adventurers".

### **Second: the reasons for emigration**

The reasons for European migration varied from one European people to another, and from one time to another, as the motive for early migration in the early seventeenth century was ambition, love of adventure, discovery of the unknown, and the realization of wealth, It created problems that hindered the unification of the ranks, especially since the different religious beliefs had played a role in determining the economic behavior that the people of the different sects used to practice. As for the followers of the English Church, i.e. the followers of the Anglican sect, most of them settled in the southern colonies ,As for the migrations that came since the eighteenth century, their motives were dominated by the bad economic conditions in Europe.

### **Third: The Declaration of Independence**

The United States was established not as a united state, but as a federation of 13 colonies, each of which demanded independence from the British crown, and thus the Declaration of Independence in 1776 spoke of the good peoples in these colonies, but at the same time declared that these united colonies are, and have the right to To be free and independent states.

On July 2, 1676, the Congress took an irreversible step, and on that day passed a resolution stating, "These united colonies are free and independent and by right they ought to be, and that they have absolved themselves of any allegiance to the British throne, and that every political relationship between them And between Great Britain has been cut off." On July 4, Congress passed the Declaration of Independence prepared by Thomas Jefferson. This list not only included the Declaration of Independence, but also enumerated all the reasons that called for the colonies to secede, and clarified the philosophy on which the Americans based their work, The Americans were not limited to extending this theory without acting on it. They met during the revolution, abolished the old governments and established new ones. Their constitutions guaranteed strong guarantees for the preservation of life, freedom, and the pursuit of happiness. These opinions were no longer a dream in the imagination of philosophers, but rather turned into laws that Americans follow

In July 1776, the leader "Lee" of Virginia submitted to Congress a proposal calling for the colonies to be free and independent nations. The document prepared by Jefferson was approved after several amendments were made to it by Congress and then announced in its final form on July 4 to announce to the world the news of the birth of a new independent nation in the New World.

In general, the Declaration of Independence carried with it the seeds of democratic thought and affirmed the principle that the free people of Europe have long advocated, which is that the state exists to serve the people and that it derives its authority from it, and that the justification for the existence of the authority disappears when it deviates from its basic mission, which is to work for the good of its governed, and perhaps the ideas of Locke, Rousseau, and Montesquieu seem to a large extent the ideological and philosophical support for many of the principles of the Declaration of Independence .

We must show the situation that led them to this form of government, for some of their ideas came as a reaction to the situation in which they lived under an absolute tyrannical monarchy, and others as a result of being influenced by a certain system or ideas that prevailed during the era of European kings with absolute rule during the seventh centuries Eleven and eighteen.

Based on the foregoing, we show that the American society is a settlement society that arose and formed through immigration, which is a mixture of many peoples and different races, and the motivation for immigration was ambition, love of adventure, discovering the unknown, and achieving wealth. As for the following migrations, their motives were dominated by political or sectarian persecution.

Accordingly, the United States of America was established not as a united state, but as a federation of 13 colonies, each of which was demanding independence from the British Crown, which was announced in 1776, and it was stated in this document that the people have the right to change or abolish the system of government, and that life Freedom and the pursuit of happiness are among these rights, and that there must be governments that watch over these rights and gain their legitimacy from the consent of their subjects over them.

As a result, the previous events and conditions were deposited in the American political thought to search for the appropriate form of union represented by independence, political unity and securing American common interests.

### **The second requirement: the emergence of the treaty union between the states of America**

The federal idea had been deposited in American political thought during the colonial era as a result of previous events and conditions, so it was natural for the American federal movement on the eve of the states' independence to search for the most appropriate forms of federalism between them. The second is the necessity of political unity among these states in response to strategic and economic necessities, and to secure American common interests, and in response to the federal thought stable in American minds. The developments proceeded as follows:

#### **First: the conflict with Britain**

The conflict with Britain had a significant impact on changing the behavior and attitudes of the settlers. The local councils rejected the Albany Union Plan (relative to the city of Albany, New York), which was drawn up in 1754, refusing to give up even the least amount of its autonomy to any body, even to a body they themselves elect. Mutualism during the course of the revolution has proven its effectiveness and has greatly reduced the fear of giving up individual power .

In 1776, John Dickinson (a prominent Pennsylvania lawyer and politician 1732-1808) laid down the "Provisions of the Order of Confederation and Permanent Union", and the Continental Congress adopted that charter in November 1777, and it became effective in 1781, after all states had ratified it, The charter provided for expressing the fragility of the nascent feeling of the establishment of the new state, to form a loose union to a large extent, the national government had no power to set tariffs or regulate trade and impose taxes, and had little control over international relations, and a number of states began their own negotiations with foreign countries , Nine states had their own land forces, and several states had their own navies, and in the absence of a solid common currency, the new state conducted its trade with a strange mixture of coins and a confusing array of state or state banknotes, all of which were rapidly declining in value..

Economic hardship prompted calls for change. The end of the war created a harsh effect on the merchants who supplied and financed the armies of both sides, and who lost the advantages they had enjoyed from their participation in the British trading system. The states gave preference to American goods when making tariff policies. The policies were contradictory, which prompted the demand for the formation of a strong central government that implements a unified policy. Perhaps the farmers were the ones who suffered the most from the economic difficulties that followed the revolution. The supply of agricultural products exceeded the demand for them, and the complaints were mainly concentrated among the debtor farmers who demanded successful treatments that avoided implementing reservations because of Mortgages on their property and imprisonment for not paying their debts, Courts were swamped with lawsuits demanding repayment of debts brought by farmers' lenders.

The treaty state did not enjoy the international character due to its lack of external sovereignty and the continuation of the absolute sovereignty of the member states under this union, as well as the absence of the necessary guarantees for the implementation of the decisions of Congress in the states, and the instability of the union resources to depend on the contributions of the states, in the proportions prescribed for each of them, as was the nature of the formation of Congress made it impossible to agree on a resolution, since the delegates were subordinate to their state governments, which renewed them annually, and so the federal state had no independent central authority.

In fact, this form does not result in the establishment of a complex state, as some see, because the concept of the state devolves on international personality and external sovereignty, and this is not available in the treaty form, regardless of the competences of the federal authority with it, hence the instability of this union, and its demise with the demise of the considerations that led to him, or the conditions that brought him.



**Second: The stage of the American pledge**

The American treaty period can be divided into two phases, the first from 1781 to 1783, the date of the signing of the Paris Peace Agreement, and the second phase ending with the establishment of the central state in April 1789 on the basis of the constitution established by the Philadelphia Conference.

**A - The first phase: the treaty union (1781-1783)**

After the approval of all the states, the Congress adopted the proposed new system of government and approved its constitution known as the Treaty Union Conditions, which provides for the joining of the American states into a union known as the (United American States). The central authority of the united American states, and since it was necessary to find a supreme executive body, the Congress of the American states itself assumed this task, and it included the delegates of the thirteen countries in a ratio of at least two and seven at most for each state according to its area and population, and the delegates received their salaries from their governments.

Since this union included independent, sovereign states, each with its own council, ruler, and constitution, each had one vote in Congress, and the thirteen delegates had to meet to take important decisions. Declaring war and peace, making alliances, sending and receiving ambassadors, and dealing with foreign affairs. He also had the right to borrow and exchange, form armies, establish units of the naval fleet, designate the commander-in-chief of the fleet, and accept new colonies in the union. From the enumeration of these powers, it is clear that the primary task of the alliance was to maintain the integrity of states and to regulate relations between The coalition and foreign countries, meaning that they only deal with issues of defense and foreign representation.

That is, this alliance did not lead to the establishment of an organized federal state, and all that is in the matter is that the states have agreed among themselves to organize a permanent conference (the Congress) among themselves to organize specific matters that it undertakes to implement as the link between it and the American people.

Despite these challenges, the Congress has been very active to manage the tide of the war and its related matters. It concluded several military and commercial agreements with France in 1781, with the Netherlands in 1782, and Sweden in 1783, to manage the possibilities of armed struggle. Congress also established the first central bank in 1781, to carry out business. Union Finance.

After that, a peace agreement was concluded with Britain between the US states and their allies in Paris, and one of the most important events in this phase: the victory of the forces of the American revolution over the British forces, as Britain recognized the independence of its thirteen American colonies, and defined its northern borders with Canada, and its southern borders with the territories The Spanish, the evacuation of British forces from American soil.

**B - The second phase of the treaty union (1783-1789)**

That period was characterized by the waning element of the common danger, the emergence of a crack in the American intellectual unity, the start of internal disputes, and the exacerbation of economic and social crises, as a result of the burdens of rebuilding what had been destroyed by the war, and compensating the fighters at a time when the capabilities of Congress ran out of meeting these national requirements and its constitutional failure prevented the situation from being treated with the necessary powers. Each state has gone too far in exercising its absolute sovereignty to the extent that led to economic competition, and each of them ignored the economic interests of neighboring states and preferred European goods over American ones, and even imposed high duties on goods transiting through its territory to neighboring states, and on goods imported from other states..

In fact, there are other factors that contributed to the spread of this crisis, such as the economic war that Britain launched against the states during their military defeat, the lack of investments, the lack of expertise and manpower that were consumed by combat losses, and finally the lack of coordination between the states on joint commercial activity, and the inability of Congress to carry out this task. The economic independence trend went too far in the states and its confusion between the concept of sovereignty and the requirements of common interests between the states .

These conditions led to the deterioration of the situation in the states during this short period, to the extent that Congress stopped paying debts to foreign countries, which lost confidence in the American treaty system, and

soon the relations between the states deteriorated, so that Congress was no longer able to take a decision. Indeed, the pact itself was no longer viable, and all situations were pushing towards the need to develop the American federal movement to the appropriate form for the requirements of the common interests between the American states, and this development was in dire need for dynamic leaders and intellectuals, who cooperate together to extricate the American nation from its economic and social crisis and the search for another federal form free from the previous defects

This prompted the convening of the Philadelphia Conference in 1787 AD, transforming its main objective and posing the issue of the whole country to lay down the necessary texts that would make the federal constitution suitable for the needs of this union and the establishment of a good government, and this is what we will try to address in the third demand.

### **The third requirement: the developments that led to the establishment of the federal state in 1789**

In 1786, a meeting was held in Annapolis, Maryland, to discuss problems related to the Articles of Confederation. May 14, 1787 AD, to hold this meeting, noting that this meeting aims to review the articles of the union and perhaps strengthen and evaluate them, and not to find a new governmental formula. However, amending the articles of the union was not an easy matter if it required the consensus of all the states.

#### **First: The Philadelphia Conference in 1787**

The mini-conference that was held in the city of Annapolis in 1786 CE was the basis for the Philadelphia Congress in 1787 CE, where five American countries participated in the mini-conference to consider the dispute over navigation in the Pomatomac River between the states of Virginia and Maryland. The leader Alexander Hamilton managed to divert the conference from its main goal, and put forward the issue of the whole country. Which makes the federal constitution suitable for the needs of this union.

On May 25, 1787 CE, fifty-five delegates representing twelve states met at Government House in Philadelphia - Maryland abstained - and most of these delegates were experienced in military and legal affairs and who worked in colonial governments, and all chose (George Washington) because For his integrity and good reputation during the war of independence, he was president of the Congress.

Also, distinguished leaders such as (Madison, Hamilton, and Governor Morris) were able to control the majority and direct the Congress towards achieving a new system of government, ignoring that the main goal of the Congress was (reviewing the articles of the union). The country is suitable for all segments of American society, regardless of their races, nationalities, and economic interests.

The success of the conference is due to the efforts made by the supporters of the closer union between the states, who were able to overcome all the obstacles set by the opponents of the federation, which almost frustrated the work of the conference.

#### **Second: The most important problems that the conference faced**

One of the most important problems that the conferees encountered was the problem of federalism, to reconcile the authority of the semi-autonomous states with the authority of the future central government. The functions and powers conferred on the central government must be clearly defined in order to distinguish it from the other powers which the States retain, The central government was given the power to decide to impose taxes and customs duties, to contract loans to pay the national debt, to carry out the burdens of government, to enact laws in general for bankruptcy, to strike money, to set weights and measures, to register franchises and printing, to establish a postal service, to organize internal and foreign trade, and to take care of Indian affairs. In defense of the country and in the management of war and foreign affairs and others.

The conferees agreed on another principle on which they commented of great importance, which is the principle of separating the legislative, executive and judicial powers from each other, while making sure that each of them maintains its own authority without extracting any amount from the power of others so that the balance remains between them. This issue, considering the tyrannical government is one of whose branches dominates the other branches, and they decided that the legislative body should have two chambers: the Senate and the House of Representatives, This helped them in solving a difficult problem, as the small states clung to obtaining a number of representatives equal to the representatives of the large states, as the articles of the coalition stipulated, so that

the large states would not tyrannize them. As for the House of Representatives, representation shall be based on the proportion of the population, and that was the best guarantee of justice between the major states, including the smaller ones, and the best solution to satisfy them all.

On the basis of that, the framers of the American Constitution intended to adopt the absolute separation of powers to achieve equality between them, but the constitutional texts that it decided resulted in a relative separation that allowed for some overlap in the competencies, which led to the president losing the powers as a representative.

### **Third: Drafting the constitution**

After the conference finished drafting the constitution, it referred it to the states' representative assemblies for ratification and to the treaty congress. Constituent assemblies were formed in the states for this purpose. Delaware was the first state to send its approval of the constitution to Congress on December 7, 1787, followed by New Jersey and Pennsylvania in the same year. On January 2, 1788, Virginia, then Connecticut, then Massachusetts, then Maryland, then South Carolina, and finally, on June 21, New Hampshire agreed to the ninth state, with whose approval the Constitution completed the quorum stipulated in its last article, with the implementation of provisions with the approval of only nine states on the Constitution, and the formation of a committee in preparation for the establishment of the new government, and on October 10, Congress formally ended its work. On December 23, Maryland ceded 10 square miles to be the seat of the new federal government, and in early 1789, the first general elections were held under the provisions of the new constitution, and resulted in the election of 22 senators, 59 representatives, and the first Senate met on April 9, and on March 4 The first general election took place in the states to choose the head of state, which resulted in the victory of General Washington, followed by John Adams from among six candidates for the presidency. On April 23, the president took the legal oath as the first president of the United States of America, and proceeded to establish the central government. Thus, the first federal government of the United States of America was established and a temporary headquarters was taken in New York.

The Constitution of the United States is the primary instrument of American government, and it is the supreme law of the country, and has provided the basis for political stability, economic growth, and social progress. It is the oldest written constitution in force in any country in the world.

In order to ratify the constitution, the supporters of the federation set out in the context of their struggle and quest to prove the integrity of the constitution, from those documents, in particular, which entered history as "the papers of supporters of the federation," meaning the documents edited by "Alexander Hamilton, James Madison, and John Jay." Which is still considered the most important documents in support of the American Constitution and distinguished articles in political science.

These personalities entrusted with drafting the constitution have set obstacles that made changing or amending the texts of the constitution not easy. It is possible to change the constitution with a proposal submitted by the parliamentary councils affiliated with two-thirds of the states. the proposed change or amendment by an absolute majority at the least, Then the role of the different states will come, as the states will then have to approve it according to the same procedures

Accordingly, the constitution that emerged from the American independence movement was a fundamental stimulus to the perceptions that democratic regimes in Western societies later experienced, and that this stimulus was at that time much more important than the transformations left by this constitution in American society", as the main objective of the constitution was Creating a strong elected government that responds directly to the will of the people.

Finally, we can say that the Philadelphia Conference, which was held in 1787, succeeded in developing a new constitution for the country that suits all segments of American society and overcomes all the obstacles set by the opponents of federalism. It is very difficult to reach the primary goal of achieving American constitutional unity.

## **II. CONCLUSION**

Freedom was one of the most important reasons that prompted Europeans to leave their homelands and migrate to the new land that was later known as the United States of America to escape the injustice and abuse they suffered in their countries of origin, as well as other reasons for the love of adventure, the discovery of the unknown and the realization of wealth, and in the year (1776) when Thirteen American states gained their independence, and one of the most important principles addressed in the Declaration of Independence was (freedom - equality - the



achievement of happiness), and as soon as the Federal Constitution of the United States of America was issued for the year (1787) until (Thomas Jefferson) succeeded in convincing the founding fathers to guarantee the rights of The American people and their freedoms through the constitutional amendments called the Bill of Rights Jefferson and his supporters believed that the constitutional amendments made to the US Federal Constitution (1791) are the surest guarantee of individual rights and freedoms.

As is well known, the principle of separation of powers that was previously advocated by (Montesquieu) was considered the only guarantee for any political system to protect the rights and freedoms of the people, and accordingly the American Federal Constitution issued in 1776 emphasized in its first article the principle of separation of powers with cooperation and balance between them. Under this principle, a balance is achieved between the powers of each of the three authorities (executive - legislative - judicial) on the one hand, and the powers of the federal and state governments on the other.

Finally, the American constitutional unity was achieved after many years of the development of the federal movement for the colonies, thus the Americans moved from one era to another, and from the stage of conflicting political entities to the stage of the federal complex state with the federal form in the name of the United States of America.

### III. REFERENCES:

#### First: Arabic and translated books

1. Emil Hubner, The Political System in the United States of America, translated by: Adnan Abbas Ali, Emirates Center for Strategic Studies and Research, 1st Edition, Abu Dhabi, 2009.
2. John Jay, Federal Papers (Hamilton, Madison, Jay), translated by: Imran Abu Hijleh, Amman: Dar Al-Fares for Distribution and Publishing, 1, 1996.
3. John Marshall, Summary of the American System of Government, Bla (T, I).
4. Abdul Aziz Hamouda, The American Dream, Dar Souad Al-Sabah, Kuwait, 1st edition, 1993.
5. Abdel Aziz Suleiman Nawarand Abdel MajidNaa'ei, Modern History of the United States of America, Dar Al-Nahda Al-Arabiya for Printing and Publishing, Beirut, 1973.
6. FarhatZiadaand Ibrahim Farihi, History of the American People, Princeton University Press, Beirut, 1946.
7. Michael Jay Friedman, Summary of the US Judicial System, US Department of State, Bureau of International Information Programs, 2004.
8. Scholars Group, American History Brief, Bureau of Foreign Information Programs, US Department of State, 2006.
9. Muhammad Anwar Abdel Salam, The American Federal Experience and Its Value for Arab Unity, Anglo-Egyptian Library, Cairo, 1974.
10. Muhammad Mahmoud Al-Nayrab, Introduction to the History of the United States of America, New Culture House: Cairo, 1, 1997.
11. Maurice Duverger, Political Systems, translated by: Haseeb Abdel Badi, 2nd Edition, Beirut: Dar Al Hamra, 2014.
12. Yassin Muhammad Al-Ithawi, American Politics between the Constitution and Political Forces, 1st Edition, Amman: Dar Osama for Publishing and Distribution, 2009.

#### Second: Theses and theses

13. IstibraqFadelShaer Al-Shammari, Elements of Public Policy Formulation in the United States of America, a message MA (unpublished), Al-Nahrain University, College of Political Science, 2007.
14. Sabbar Muhammad Abdullah Al-Shujairi, Congress and the US domestic political decision-making process, a thesis Ph.D. (unpublished), University of Baghdad, College of Political Science, 2006.